

REMARKS

Claims Objections

The Patent Office has objected to claim 11 because the phrase "the adhesive-backed surface" is unclear because of no previous recitation of that element. Applicant has amended claims 10 and 11 and similar dependent claims 29 and 31 to add clarity.

Rejection Under 35 USC 103(a)

Claims 1-16 and 19-34 have been rejected under 35 USC 103a as being unpatentable over U.S. Patent Application No. 2004/0204740 to Weiser ("Weiser"). (Because Claims 2-16 and 20-34 are dependent upon and include all limitations of Independent Claims 1 and 19, respectively, this response will address the rejection as it pertains to Independent Claims 1 and 19.) More specifically, the Patent Office states:

Weiser discloses a two-component device for closing a laceration or incision including...connecting members 5a, b...The very ends of the connecting members would constitute the claimed pulling elements...However, the average width of the bridging portions being less than that of the attached portions. The examiner contends that providing slightly wider attaching portions, or slightly narrower bridging portions would be a mere obvious design choice. Whether the bridging portions are narrower or not would not affect the use of the device and one would have every expectation of success in using equal width bridging portions or narrower bridging portions.

Applicant respectfully submits that a prima facie case of obviousness has not been established as Weiser fails to disclose or suggest the combination of features recited in at least Independent Claims 1 and 19.

First, Applicant notes that the previous rejections under 35 USC 103(a) based on Applicant's own related patent, US Patent No. 6,329,564 ("Lebner '564"), have been overcome in a papers filed on November 06, 2006 and July 05, 2007. Like Weiser, Lebner '564 teaches elongated connectors having a constant width. Applicant, therefore, respectfully submits that the presently outstanding rejection under 35 USC 103(a) based on Weiser appears to be less relevant than the prior, now-obviated rejections.

Additionally, Weiser fails to disclose or suggest bridging portions being less than the average width of the attached portions such that the one or more first and second connecting members are sufficiently spaced-apart to facilitate fine adjustment of the first component relative to the second component for substantially parallel alignment of the edge of the first component with the edge of the second component during closure of the wound or incision.

Applicant respectfully disagrees with the following statement on page 7 of the instant office action:

Applicant argues that the narrower bridging portions are important because it provides the advantage of making the connecting more adjustable. However, Weiser would also have this increased adjustability by virtue of the fact that the width of the bridging portions is less than the spacing between connecting members.

Neither the specification nor the claims of Weiser teach this limitation. The Figures of Weiser teach away from this limitation by displaying bridging portions having widths equal to or smaller than the spacing between connecting members.

Next, Applicant respectfully disagrees with the following statement on page 4 of the instant office action:

Whether the bridging portions are narrower or not would not affect the use of the device and one would have every expectation of success in using equal width bridging portions or narrower bridging portions.

This specific design element of narrower bridging portions relative to the attached portions of the connecting members of the present invention addresses specific functional needs left unaddressed by the prior art. First, the narrower bridging portions enable fine adjustment of the two part device for more precise wound closure. Second, the relatively wider attached portions enable secure closure because of increased adhesive contact. For example, paragraph [0014] of the Specification explicates this arrangement:

In light of the fact that the point of attachment between the first and second components is between the underside of attached portions of connecting members with the upper surface of attached anchoring members, maximizing the area of contact will result in a more secure closure of the device because the area of adhesive contact is maximized. Thus, from the standpoint of security of closure, wider connecting members are preferred. However, as the width of all

the connecting members is increased, the distance between connecting members necessarily is decreased. It is extremely important that there be enough distance between adjacent connecting members to facilitate fine adjustment of the device as the second anchoring member is being positioned, and after the two anchoring members are positioned, but prior to fixing their relationship by attaching connecting members to anchoring members.

The Specification further explains at paragraph [0017] that the difference in width of the bridging portion of the present invention relative to the width of the attached portion affords advantages over prior art devices in which the width of connecting members was substantially constant along their lengths. The device of Weiser presents connecting members having constant widths along their lengths. As described in Specification paragraph [0014], achieving a more secure attachment in the single-width connector device of Weiser would require an increased number of connecting members that would be placed as close together as possible, thereby severely limiting adjustability. Weiser fails to teach or suggest any method for simultaneously providing a secure attachment and enabling fine adjustability.

Weiser neither discloses nor suggests this configuration that enables increased adhesive contact of the attached portions of the connecting members and increased adjustability of the narrower bridging portions. In fact, Weiser suggests a number of variations of the connecting members, none of which teach or suggest the function and configuration provided by Applicant's invention. For example, Weiser describes several embodiments in paragraphs [0037] through [0039], reproduced here in pertinent part:

[0037] Each of the bridging links 5 has an adhesive coated section 9, on its bottom (engaging) surface 18, displaced from the inner edge 6...[0038] In an alternative embodiment, as shown in FIGS. 11 and 13, an additional adhesive coated section 30 (130 in FIG. 13), is coated on both the top surface 12 of the base strip 1 (112 in FIG. 13) and the engaging surface 18 (118 in FIG. 13) of the bridging links 5 (105 in FIG. 13). [0039] In another alternative embodiment, as shown in FIGS. 12 and 14, the adhesive coated section 9 is absent from bridging links 5 and an adhesive section 30 (130 in FIG. 14) is applied to top surface 12 (112 in FIG. 14) of base strip 1. Adhesive sections 30 (130) receive the engaging surface 18 (118 in FIG. 14) of each bridging link 5 (105) and hold the links 5 (105) securely in their bridging position.

In all embodiments, Weiser thus focuses on teaching the placement of adhesive on unchanging surface areas of the connecting members and anchoring members to provide some attachment.

Weiser fails to suggest or motivate achieving a secure attachment and simultaneously providing increased adjustability of the two part device by providing connecting members having attached portions of increased adhesive-backed surface area and relatively narrower bridging portions that enable fine adjustment.

Applicant submits that Weiser fails to disclose or suggest the combination of features recited in Independent Claim 1 and Independent Claim 19. Because the above-noted claims depend respectively from the Independent Claim 1 and Claim 19, Applicant further submits that Weiser fails to disclose or suggest the combination of features recited in those dependent claims. Accordingly, Applicant respectfully requests withdrawal of the above-noted rejection under 35 USC 103(a).

Dependent claims 17 and 35 are rejected under 35 USC 103(a) as being unpatentable over Weiser in view of US Patent No. 5,263,970 to Preller ("Preller"). Dependent claims 18 and 36 are rejected under 35 USC 103(a) as being unpatentable over Weiser in view of US Patent No. 5,979,450 to Baker ("Baker"). Applicant respectfully requests withdrawal of the present rejections. As discussed above, claims 17 and 18 and claims 35 and 36 respectively depend from Independent Claims 1 and 19, which Applicant respectfully submits are in condition for allowance. Because dependent claims 17, 18, 35 and 36 depend from Independent Claims that are in condition for allowance, the dependent claims that include all limitations of allowable independent claims are also in condition for allowance.

Double Patenting Rejection

Claims 19-36 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/626785. In response to this rejection, Applicant is prepared to submit an executed Terminal Disclaimer following resolution of the above-discussed rejection under 35 USC 103(a).

Claims 1-36 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/625937. In response to this rejection, Applicant is prepared to submit an executed Terminal Disclaimer following resolution of the above-discussed rejection under 35 USC 103(a).

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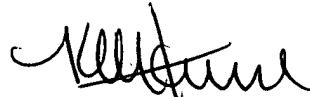
Claims 1-36 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/626040. In response to this rejection, Applicant is prepared to submit an executed Terminal Disclaimer following resolution of the above-discussed rejection under 35 USC 103(a).

Claims 1-36 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/625936. In response to this rejection, Applicant is prepared to submit an executed Terminal Disclaimer following resolution of the above-discussed rejection under 35 USC 103(a).

Summary

In light of the above amendment, consideration of the subject patent application is respectfully requested. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-4514.

Respectfully submitted,



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April 10, 2008
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